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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,394	12/04/2003	Brian Lipner	225540	7540

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EXAMINER

GREENE, JASON M

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,394

Applicant(s)

LIPNER, BRIAN

Examiner

Jason M. Greene

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/27/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The Examiner notes that the information disclosure statement filed 27 May 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Specifically, a copy of the International Search Report dated 21 April 2004 has not been provided. However, it appears as though Applicants intended to cite the Search Report prepared for International Application Serial No. PCT/US03/38484. Since the Search Report for said application was readably available, the reference has been considered by the Examiner and made of record on the attached form PTO-892.

Drawings

2. The drawings were received on 19 April 2004. These drawings are acceptable.

Claims

3. With regard to claim 5, the Examiner suggest Applicants rewrite the phrase "receivable in associated complementary slot" in line 2 as "receivable in an associated

complementary slot" to correct a minor grammatical informality. The Examiner notes that the phrase has been interpreted to mean that both tabs can be received in the same slot (as depicted in instant Figs. 2-3) or that each of the tabs can be received in a separate slot (as depicted in instant Fig. 4).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lizmore.

With regard to claims 1, 2 and 4, Lizmore discloses a foldable filter frame comprising in combination a planar filter media panel (54) and a rectangular support frame (20) surrounding the filter media panel, the support frame including four edge elements (26A-26D), each edge element having a double-wall construction (formed when the panels are folded into position along the fold lines) and being foldable into a position in which a first leg of the edge element is generally perpendicular to a second leg of the edge element, an end of at least one of the edge elements that defines a

corner of the support frame supporting a foldable tab (38 or 44) that is receivable in a complementary slot in an end of the other edge element defining the respective corner of the support frame with the tab being arranged in an inner space between the double-walls of the edge element (after the edge elements are folded into position), wherein the complementary slot is formed by the double-walls of the edge element in Figs. 1-7 and col. 2, line 11 to col. 3, line 37.

With regard to claim 6, Lizmore discloses each edge element (26A-26D) having a first end supporting a tab (38 or 44) and a second end having a complementary slot (the slot formed by the folded panels for receiving a tab of the adjacent edge element) in Figs. 1-7 and col. 2, line 11 to col. 3, line 37.

6. Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoeffken.

With regard to claims 1 and 4, Hoeffken discloses a foldable filter frame comprising in combination a filter media panel (3) and a rectangular support frame (2) surrounding the filter media panel, the support frame including four edge elements (5,6), each edge element having a double-wall construction (18,19 and 26,27) and being foldable into a position in which a first leg of the edge element is generally perpendicular to a second leg of the edge element, an end of at least one of the edge elements that defines a corner of the support frame supporting a foldable tab (34 or 35) that is

Art Unit: 1724

receivable in a complementary slot (21) in an end of the other edge element defining the respective corner of the support frame with the tab being arranged in an inner space between the double-walls (15,16) of the edge element, wherein the complementary slot is formed by the double-walls of the edge element in Figs. 1, 2, 5, 6, 13-15 and 17 and col. 2, line 36 to col. 4, line 28.

With regard to claim 2, Hoeffken discloses the filter media panel (one of the interior panels 3) being planar in Fig. 6.

With regard to claim 5, Hoeffken discloses the end of at least one edge element supporting a pair (34,35) of tabs each of which is receivable in an associated complementary slot (21) in the end of the other edge element defining the respective corner of the support frame in Figs. 1, 2, 5, 6, 13-15 and 17 and col. 2, line 36 to col. 4, line 28.

With regard to claim 6, Hoeffken discloses each edge element (5,6) having a first end supporting a tab (34 or 35) and a second end having a complementary slot (21) in col. 3, lines 53-65.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Lizmore or Hoeffken in view of Shearin.

Lizmore and Hoeffken disclose the tabs having smooth upper edges in Figs. 3-7 and Figs. 13-14, respectively.

Lizmore and Hoeffken do not disclose the tabs including a notch that engages an upper corner of the complementary slot when fully inserted therein.

Shearin discloses a similar foldable filter frame wherein the tab (40) includes a notch (49) that engages an upper corner of a complementary slot (50) when fully inserted therein in Figs. 1-3 and col. 2, lines 32-54.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the notch of Shearin into the tabs of Lizmore or Hoeffken to provide means for locking the tabs within the slots to assist in holding the edge elements together, as suggested by Shearin in col. 2, lines 46-54.

Conclusion

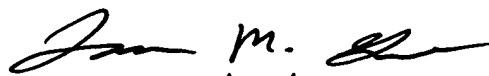
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Williams, Dahlman, Westlin et al., Getzin, Endres, Schaaf, Breckheimer, and Tate et al. references disclose similar filter frames.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571) 272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason M. Greene
Examiner
Art Unit 1724



10/17/05

jmg
October 17, 2005